

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Case No. 16-20700-1  
Honorable Linda V. Parker

D-1 JEREMIAH CHEFF,

Defendant.

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**OPINION AND ORDER GRANTING IN PART AND DENYING AS MOOT IN  
PART DEFENDANT’S MOTION AND DEMAND FOR DISCLOSURE OF  
EXCULPATORY EVIDENCE AND RULE 16 DISCOVERY MATERIALS**

On April 19, 2017, Defendant Jeremiah Cheff (“Defendant”) was charged in a sixty-four count superseding indictment with various violations of federal tax laws. Defendant filed a motion on June 16, 2017, demanding that the Government disclose all exculpatory evidence and Rule 16 discovery materials. (ECF No. 49.) The Government filed a response on June 29, 2017, agreeing to disclose the evidence and materials to the extent not already provided. (ECF No. 55.) The Court scheduled a hearing for August 23, 2017, to confirm that there are no pending issues with respect to Defendant’s motion.

At the motion hearing, Defendant’s counsel expressed concern about reports and documents from non-testifying agents that he believed existed and had not been provided. The Government responded that these materials were generated

prior to and during the execution of the search warrant of Defendant's home and were ministerial in nature and did not contain discoverable information. The parties agreed that the Government would submit the materials to the Court for in camera review to determine whether they should be disclosed to the defense.

The Court received and reviewed those materials and finds nothing in them that is material to the defense, except possibly the following statements:

Jeremiah Cheff has been known to associate when [sic] Steve Cartier who is a Felon, charged with Medicare Fraud. Cheff operates Adult Foster Care Homes which Cartier owned until 2010 and has been seen with Cheff during surveillance.

Jeremiah Cheff has been known to associate when [sic] Steve Cartier who is a Felon, charged with Medicare Fraud. Cheff operates Cartier's Adult Foster Care Homes and has been seen with Cheff during surveillance.

CHEFF has been seen during surveillance meeting with Steve Cartier. Cartier was convicted of Medicare Fraud in 2010. CHEFF operates Hilltop Estates Inc. which Cartier was the Resident Agent until 2010. Cartier has not been seen at the residence.

The remaining materials are not exculpatory and they would not help Defendant prepare a defense, avoid conviction, or mitigate punishment. Instead, as the Government represented, they are materials prepared in aid of the execution of the search warrant (e.g., outlining the method of approach, the number of officers who should participate, the places to search, and the items being searched for) and a summary after the search warrant was executed describing what occurred.

In conclusion, the Court concludes that the Government has disclosed all exculpatory and Rule 16 discovery materials in its possession. The Court provides the above statements from the materials to Defendant, however, as it finds the information possibly relevant.

Accordingly,

**IT IS ORDERED** that Defendant's Motion and Demand for Disclosure of Exculpatory Evidence and Rule 16 Materials (ECF No. 49) is **GRANTED IN PART AND DENIED IN PART AS MOOT**.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: May 24, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 24, 2018, by electronic and/or U.S. First Class mail.

s/ R. Loury  
Case Manager